



## **POLICE COMMISSION**

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**CATHERINE ADAMS** CHAIR  
**GERALD BAHOUTH**, VICE CHAIR

**MARY K. HERTO**G, MEMBER  
**LEINA`ALA JARDIN**, MEMBER  
**KEVIN MINCE**, MEMBER  
**ROY MORITA**, MEMBER  
**DEAN PIGAO**, MEMBER

### **REGULAR MONTHLY TELECONFERENCE MEETING NOTICE AND AGENDA**

**Friday, December 17, 2021**  
**9:00 a.m. or shortly thereafter**

#### **Microsoft Teams Conferencing Information**

Click on the link below to join on your computer or mobile app by VIDEO:

<https://bit.ly/3dfGADo>

Or

Dial phone number and enter conference ID to call in and join by AUDIO:

Phone: + 1 469-848-0234 United States, Dallas

Phone Conference ID: 422 928 941#

This meeting will be via Microsoft Teams conferencing only. Members of the public are invited to join this meeting by using the link above or calling the number above with the conference ID information. You may testify during the video conference or submit written testimony in advance of the meeting via e-mail, fax, or mail. To avoid excessive noise/feedback, please mute your microphone except to testify.

#### **CALL MEETING TO ORDER**

#### **ROLL CALL TO ASCERTAIN QUORUM**

#### **APPROVAL OF AGENDA**

#### **ANNOUNCEMENTS:**

Next Regular Scheduled Teleconference Meeting 9:00 a.m. Friday, January 28, 2022.  
Executive Session to follow.

#### **PUBLIC TESTIMONY**

#### **EMPLOYEES OF THE MONTH FOR NOVEMBER 2021**

Officers: Daniel Ball, Steven Carvalho, Eric Higa, Christian Kauai, Zachariah Smith, Creighton Tamagawa and Desmond Thain

#### **EMPLOYEE OF THE MONTH FOR DECEMBER 2021**

Officer Blake Saito

#### **APPROVAL OF MINUTES**

- Open Session October 22, 2021, Meeting

## **CHIEF'S REPORTS:**

- Administrative & Technical Bureau
- Investigative Services Bureau
- Patrol Bureau Reports
- Pertinent announcements/updates

## **BUSINESS**

### **KPC 2021-36:**

Discussion and decision regarding a request dated October 1, 2021, from Reid Kawane, Chair Charter Review Commission to Chair Catherine Adams, inviting the Commission to present proposals on any Charter amendments they would like the Charter Review Commission to consider. (Deferred on October 22, 2021)

### **KPC 2021-39:**

Discussion and decision-making on designating two members of the Police Commission to welcome the Kauai Police Department's 96<sup>th</sup> Recruit Class on Wednesday, January 5, 2022, from 10:30 – 11:30 a.m. at the headquarters in the Līhu'e.

### **KPC 2021-40:**

Discussion and decision-making on the permitted interaction group proposed recommendations for Revision of Rule 10 of the Kauai Police Commission Rules on Administrative Practice and Procedure.

### **KPC 2021-41:**

Presentation by the permitted interaction group on proposed recommendations for Revision of Rule 11 of the Kauai Police Commission Rules on Administrative Practice and Procedure.

### **KPC 2021-42:**

Discussion and decision-making on 1) establishing a permitted interaction group; 2) determining the scope of the tasks; and 3) the scope of each member's authority as defined at this meeting. Duties may include reviewing the process, procedures, and tools of the performance evaluation to recommend any changes that will result in a more cohesive evaluation report and reviewing the upcoming six-month evaluation with the Human Resources Department to address any issues and ensure a more cohesive six-month evaluation report.

### **KPC 2021-43:**

Discussion and possible decision-making on the purpose and use of the Climate Assessment that was conducted by the Kauai Police Commission on the Kauai Police Department.

### **KPC 2021-44:**

Selection of Chair and Vice Chair for calendar year 2022.

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KPC 2021-45:

Communication dated November 1, 2021 from Occupied Forces Hawai'i Army COPRS Kauai to Kauai Police Commission Chair Catherine Adams regarding a second addendum military notice to protect and safeguard properties.

**EXECUTIVE SESSION ITEMS**

Pursuant to Hawai'i Revised Statutes §92-4, §92-5 (a) (2) and (4). The purpose of this Executive Session is for the Commission to review and discuss charges brought against an officer in the Kauai Police Department, where consideration of matters affecting privacy will be involved, provided that if the individual requests an open meeting, an open meeting shall be held; and to consult with its attorney on issues pertaining to the Commission's powers, duties, privileges, immunities, and or liabilities as they may relate to the following agenda items:

ES KPC 2021-001:

Monthly update by Kristopher Breyer, Sergeant Office of Professional Standards on the status of the Department's disposition on formal notarized complaints that were filed with the Kauai Police Department and with the Kauai Police Commission and referred to the Office of the Chief for further review.

ES KPC 2021-021:

Citizen complaint no. KPC 2021-006 received on July 22, 2021. The complaint alleges officers allowed estranged spouse to remove firearms registered to the complainant from their residence. (Deferred on August 24, 2021; referred on October 22, 2021, to the Kauai Police Department for investigation/disposition and report back to the Commission)

ES KPC 2021-025:

Complaint no. KPC 2021-010 received on August 24, 2021. The complaint alleges abuse of power, harassment and illegally destroying the complainant's property. (Referred to the Kauai Police Department on October 22, 2021, for investigation/disposition and report back to the Commission.)

ES KPC 2021-028:

Complaint no. KPC 2021-01 received on September 20, 2021. The complaint alleges that 1) 911 dispatch conspired against the complainant; 2) an officer peppered sprayed and threatened the complainant; and 3) cellblock refused to provide the complainant with soap for a shower and a change of clothing. (Referred to Kauai Police Department on October 22, 2021, for investigation/ disposition and report back to the Commission.)

ES KPC 2021-029:

Complaint no. KPC 2021-011 received on September 23, 2021. The complaint alleges officers continuously stalked, targeted and attacked the complainant's character for several years. (Referred to the Kauai Police Department on October 22, 2021, for investigation and report back to the Commission.)

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ES KPC 2021-002:

Monthly update by Todd G. Raybuck, Chief of Police, Kauai Police Department, or his designated representative on any significant adverse incidents/events involving personnel in the Kauai Police Department that could potentially impact the County, the Police Commission and the Kauai Police Department.

ES KPC 2021-031:

New complaint no. KPC 2021-012 received on October 19, 2021. The complainant alleges that after submitting a letter of resignation before the contract's actual expiration date an officer refused to sign the complainant's contract.

ES KPC 2021-035:

New citizen complaint no. KPC 2021-014 received on November 16, 2021. The complaint alleges covering up a hate crime and adopting an illegal medical related policy.

ES KPC 2021-032:

New complaint no. KPC 2021-013 received on November 4, 2021. The complaint alleges unethical and unprofessional behavior.

ES KPC 2021-036:

Pursuant to §92-5 (a) (4) the purpose of this Executive Session for the Commission to consult with its attorney where consideration of matters affecting privacy will be involved and to consult on questions and issues pertaining to the Commission's powers, duties, privileges, immunities, and liabilities as it relates to the Climate Assessment.

ES KPC 2021-037:

Pursuant to Hawai'i Revised Statutes §92-4, §92-5 (a) (4), §92-9 (a) (1-4) and (b), the purpose of this Executive Session is for the Commission to approve or amend the regular Executive Session minutes of October 22, 2021, meeting. Where consideration of matters affecting privacy will be involved and to consult with its attorney on issues pertaining to the Commission's powers, privileges, immunities, and or liabilities as they may relate to this item.

**RETURN TO OPEN SESSION TO RATIFY THE ACTIONS TAKEN IN EXECUTIVE SESSION**

**EXECUTIVE SESSION:** Pursuant to Haw. Rev. Stat. ("H.R.S.") §92-7(a), the Commission may, when deemed necessary, hold an executive session on any agenda item without written public notice if the executive session was not anticipated in advance. Any such executive session shall be held pursuant to H.R.S. §92-4 and shall be limited to those items described in H.R.S. §92-5(a).

**ADJOURNMENT**

cc: Deputy County Attorney Chris Donahoe  
Police Chief Todd G. Raybuck

## **WRITTEN TESTIMONY**

Persons wishing to offer comments are encouraged to submit written testimony at least 24-hours prior to the meeting and must indicate:

1. Your name and if applicable, your position/title and organization you are representing
2. The agenda item that you are providing comments on; and

### Send written testimony to:

Police Commission

C/o Office of Boards and Commissions

Piikoi Building 4444 Rice Street, Suite 300

Līhu'e, Hawai'i 96766

E-Mail: [mromo@kauai.gov](mailto:mromo@kauai.gov)

Phone: (808) 241-4920

## **SPEAKER REGISTRATION**

Prior to the Day of the Meeting: Persons wishing to testify are requested to register their name, phone number, and agenda item via email at [mromo@kauai.gov](mailto:mromo@kauai.gov) or by calling 808 241-4920. On the Day of the Meeting: Persons who have not registered to testify by the time the Commission meeting begins will be given an opportunity to speak on an item following oral testimonies of registered speakers. The length of time allocated to person(s) wishing to present verbal testimony may be limited at the discretion of the chairperson or presiding member.

### SPECIAL ASSISTANCE

If you need an auxiliary aid/service or other accommodation due to a disability, or an interpreter for non-English speaking persons, contact Mercedes Omo at (808) 241-4920 or [mromo@kauai.gov](mailto:mromo@kauai.gov) as soon as possible. Requests made as early as possible will allow adequate time to fulfill your request. Upon request, this notice is available in alternate formats such as large print, Braille, or electronic copy.